

1 BRUCE G. VANYO, State Bar No. 60134
2 JEROME F. BIRN, JR., State Bar No. 128561
3 CAZ HASHEMI, State Bar No. 210239
4 KRISANA M. HODGES, State Bar No. 234629
5 JACK I. SIEGAL, State Bar No. 218088
6 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100

7 Attorneys for Defendants
8 BRIAN M. NESMITH, ROBERT
VERHEECKE, and BLUE COAT SYSTEMS,
INC.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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15 DRACENA PARTNERS, LLC, Individually and) CIVIL ACTION NO.: C-05-1468-MHP
On Behalf of All Other Persons Similarly)
Situated,)
16 Plaintiff,) CLASS ACTION
17 vs.) STIPULATION AND [PROPOSED]
18 BRIAN M. NESMITH, ROBERT) ORDER REGARDING
VERHEECKE, and BLUE COAT SYSTEMS,) CONSOLIDATION
INC.,)
19 Defendants.)
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**STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP**

FILED

JUN 23 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 The parties stipulate, and the Court hereby orders, as follows:

2 CONSOLIDATION OF RELATED CASES

3 1. On May 20, 2005, the Court entered a Related Case Order deeming the following
4 actions as related cases within the meaning of Civil Local Rule 3-12:

- 5 • *Dracena Partners, LLC v. NeSmith, et al.*, C-05-1468-MHP, filed April 11, 2005;
6 • *Hobbs v. Blue Coat Systems, Inc., et al.*, C-05-01520-SBA, filed April 13, 2005;
7 • *Hefner v. Blue Coat Systems, Inc., et al.*, C-05-01692-MJJ, filed April 25, 2005;
8 • *Finley v. Blue Coat Systems, Inc., et al.*, C-05-01829-SBA, filed May 3, 2005.

9 These cases are therefore consolidated into Civil Action No. C-05-1468-MHP for pretrial
10 proceedings before this Court. The consolidated action shall be captioned: "In re Blue Coat
11 Systems, Inc. Securities Litigation."

12 2. All related actions that are subsequently filed in, or transferred to, this District
13 shall be consolidated into this action for pretrial purposes. This Order shall apply to every such
14 related action, absent order of the Court. A party that objects to such consolidation, or to any
15 other provision of this Order, must file an application for relief from this Order within thirty (30)
16 days after the date on which a copy of the order is mailed to the party's counsel.

17 3. This Order is entered without prejudice to the rights of any party to apply for
18 severance of any claim or action, for good cause shown.

19 MASTER DOCKET AND CAPTION

20 4. The docket in Civil Action No. C-05-1468-MHP shall constitute the Master
21 Docket for this action.

22 5. Every pleading filed in the consolidated action shall bear the following caption:
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STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re BLUE COAT SYSTEMS, INC.,) Master File No. C-05-1468-MHP
SECURITIES LITIGATION)

This Document is Public } CLASS ACTION

10 6. The file in Civil Action No. C-05-1468-MHP shall constitute a Master File for
11 every action in the consolidated action. When the document being filed pertains to all actions,
12 the phrase "All Actions" shall appear immediately after the phrase "This Document Relates
13 To:". When a pleading applies only to some, but not all, of the actions, the document shall list,
14 immediately after the phrase "This Document Relates To:", the docket number for each
15 individual action to which the document applies, along with the last name of the first-listed
16 plaintiff in said action (e.g., "No. C-05-01520-SBA (Hobbs)").

17 7. The parties shall file an administrative motion pursuant to Civil Local Rule 3-12
18 whenever a case that should be consolidated into this action is filed in, or transferred to, this
19 District. If the Court determines that the case is related, the clerk shall:

- (a) place a copy of this Order in the separate file for such action;
 - (b) serve on plaintiff's counsel in the new case a copy of this Order;
 - (c) direct that this Order be served upon defendants in the new case; and
 - (d) make the appropriate entry in the Master Docket.

LEAD PLAINTIFF'S COUNSEL

25 8. After the Court has designated a Lead Plaintiff and Lead Plaintiff's Counsel, Lead
26 Plaintiff's Counsel shall have authority to speak for, and enter into agreements on behalf of,
27 plaintiffs in all matters regarding pretrial procedures, discovery, and settlement negotiations.
28 Lead Plaintiff's Counsel shall manage the prosecution of this litigation to avoid duplicative or

**STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP**

1 unproductive activities. Lead Plaintiff's Counsel shall be responsible for coordination of all
2 activities and appearances on behalf of plaintiffs and for dissemination of notices and orders.
3 Lead Plaintiff's Counsel shall be responsible for communications with the Court. Lead Plaintiff's
4 Counsel shall maintain a master service list of all parties and counsel. Service by Defendants'
5 counsel on Lead Plaintiff's Counsel shall be deemed service on all plaintiffs.

6 9. Defendants' counsel may rely upon agreements made with Lead Plaintiff's
7 Counsel. Such agreements shall be binding on all plaintiffs.

8 PLEADINGS AND MOTIONS

9 10. Defendants are not required to respond to the complaint in any action
10 consolidated into this action, other than a consolidated complaint or a complaint designated as
11 the operative complaint.

12 11. Lead Plaintiff's Counsel shall file a consolidated complaint within sixty (60) days
13 after filing the order designating the Lead Plaintiff, unless otherwise agreed upon by the parties.
14 The consolidated complaint shall be the operative complaint and shall supersede all complaints
15 filed in any of the actions consolidated therein.

16 12. Defendants shall respond to the consolidated complaint within sixty (60) days
17 after service, unless otherwise agreed upon by the parties. If defendants file any motions
18 directed at the consolidated complaint, the opposition and reply briefs shall be filed within forty-
19 five (45) days and seventy-five (75) days, respectively, of that response, unless otherwise agreed
20 upon by the parties.

21 13. The parties shall serve all papers on each other by hand, by overnight delivery, or
22 (by prior agreement) by facsimile, unless otherwise agreed upon by the parties. Notwithstanding
23 the foregoing, defendants may serve plaintiffs' counsel, other than Lead Plaintiff's Counsel, by
24 first-class mail, unless otherwise agreed upon by the parties.

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STIP AND [PROPOSED] ORDER
RE: CONSOLIDATION
CASE NO. C-05-1468-MHP

1 IT IS SO STIPULATED.

2 Respectfully Submitted,

3 Dated: June 10, 2005

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6 WILSON SONSINI GOODRICH & ROSATI
7 Professional Corporation

8 By: _____ /s/ Caz Hashemi
9 Caz Hashemi

10 Attorneys for Defendants BRIAN M.
11 NESMITH, ROBERT VERHEECKE, and
12 BLUE COAT SYSTEMS, INC.

13 Dated: June 10, 2005

14 GLANCY BINKOW & GOLDBERG LLP

15 By: _____ (attached)
16 Peter A. Binkow

17 Lionel Z. Glancy
18 Michael Goldberg
19 Peter A. Binkow
20 1801 Avenue of the Stars, Suite 311
21 Los Angeles, CA 90067
22 Telephone: (310) 201-9150
23 Facsimile: (310) 201-9160

24 Attorneys for Plaintiff
25 DRACENA PARTNERS, LLC

26 Dated: June 10, 2005

27 BURT & PUCILLO

28 By: _____ /s/ Christopher T. Heffelfinger
29 Christopher T. Heffelfinger

30 Joseph J. Tabacco
31 Christopher T. Heffelfinger
32 425 California Street, Suite 2025
33 San Francisco, CA 94104
34 Telephone: (415) 433-3200
35 Facsimile: (415) 433-6382

36 Attorneys for Plaintiffs
37 DAVID HOBBS and GALEN FINLEY

38
39 STIP AND [PROPOSED] ORDER
40 RE: CONSOLIDATION
41 CASE NO. C-05-1468-MHP

1 Dated: June 10, 2005

GREEN WELLING LLP

2 By: /s/ Robert Green
3 Robert S. Green

4 Robert S. Green
5 595 Market Street, Suite 2750
6 San Francisco, California 94105
Telephone: (415) 477-6700
Facsimile: (415) 477-6710

7 Marc A. Topaz
8 Richard A. Maniskas
SCHIFFRIN & BARROWAY, LLP
9 280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-706
Facsimile: (610) 667-7056

10
11 Attorneys for Plaintiff
12 VICTOR HEFNER

13
14 **[PROPOSED] ORDER**

15 Upon Stipulation of the Parties and good cause appearing therefore, IT IS SO

16 ORDERED.

17 Dated: *6/22/05*

18 THE HONORABLE MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE

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CASE NO. C-05-1468-MHP

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2 Respectfully Submitted,

3 Dated: June ___, 2005

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5
6 WILSON SONSINI GOODRICH & ROSATI
7 Professional Corporation

8 By: _____
9 Jerome F. Birn, Jr.

10 Attorneys for Defendants
11 BRIAN M. NESMITH, ROBERT
12 VERHEECKE, and BLUE COAT SYSTEMS,
13 INC.

14 Dated: June 10 2005

15 GLANCY BINKOW & GOLDBERG LLP

16 By: 
Peter A. Binkow

17 Lionel Z. Glancy
18 Michael Goldberg
19 Peter A. Binkow
20 1801 Avenue of the Stars, Suite 311
21 Los Angeles, CA 90067
22 Telephone: (310) 201-9150
23 Facsimile: (310) 201-9160

24 Attorneys for Plaintiff
25 DRACENA PARTNERS, LLC

26 Dated: June ___, 2005

27 BERMAN DEVALERIO PEASE TABACCO
28 BURT & PUCILLO

29 By: _____
30 Christopher T. Heffelfinger

31 Joseph J. Tabacco
32 Christopher T. Heffelfinger
33 425 California Street, Suite 2025
34 San Francisco, CA 94104
35 Telephone: (415) 433-3200
36 Facsimile: (415) 433-6382

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38 DAVID HOBBS and GALEN FINLEY

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